

REMARKS

The above-identified patent application has been reviewed in light of the Examiner's Action mailed 23 January 2003 (Paper No. 13). Claims 5 and 7 were pending. Claims 5 and 7 have been amended herein. Accordingly, following entry of the foregoing amendments, Claims 5 and 7 will be pending. As set forth more fully below, reconsideration and withdrawal of the Examiner's rejections of the claims are respectfully requested.

Objection to the Specification

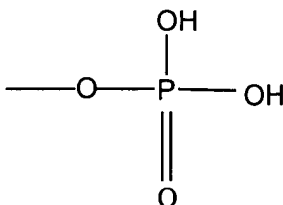
The Examiner has noted that an Abstract is needed. Applicants have amended the specification to include an Abstract identical to the Abstract published with International Application No. PCT/US99/05943 (WO 99/47101) from which the present application claims priority. As such, Applicants submit that no new matter has been added with this amendment.

Rejections Under 35 U.S.C. § 112, Second Paragraph

The Examiner has rejected Claims 5 and 7 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. The Examiner notes that Claims 5 and 7 are drawn to a composition defined by only one component. Applicants have amended Claims 5 and 7 to recite a compound having the claimed characteristics.

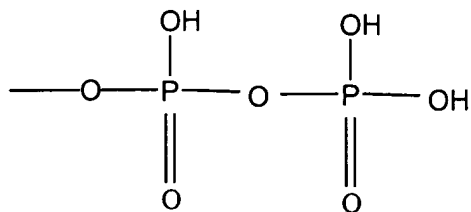
The Examiner also suggests a clearer format for Claim 5. Applicants have adopted this format for Claim 5 in the instant amendment and response.

The Examiner notes the recitation of $\text{OPO}_2\text{HOPO}_3\text{H}_2$ at line 3 of Claim 5 and suggests that this may be two separate structures. Applicants submit that line 3 of Claim 5 recites both OPO_3H_2 , a single phosphate group having the structure:



and,

OPO₂HOPO₃H₂, a diphosphate group having the structure:



Thus, Applicants submit that OPO₂HOPO₃H₂ should appear as a single word.

The Examiner notes that "Oleyl" should not be capitalized in Claim 7. Applicants have amended claim 7 to remove the capitalization of oleyl.

In light of these amendments, Applicants submit that Claims 5 and 7, as amended, are sufficiently definite to meet the requirements of 35 U.S.C. § 112, second paragraph and request that the Examiner's rejections be withdrawn.

Claim Rejections Under 35 U.S.C. § 102

The Examiner has rejected Claim 5 under 35 U.S.C. § 102(b) as being anticipated by Compound 8 in scheme 2 at page 5698 of Earle (J. Org. Chem. 61:5697-5700, 1996). Applicants submit that Compound 8 of Earle does not fall within the limitations of the instant Claim 5 as Claim 5 does not recite cyclic derivatives (i.e. Z must be OPO₃H₂ and is not OPO₃H). Applicants respectfully submit that the Examiner intended to recite Compound 7 of Earle wherein M=P, each W = OH, Y = O, Z = OPO₃H₂, m = n = 0, L = O and R = butane. Applicants have amended Claim 5 to remove the embodiment in which Z = OPO₃H₂. As such, Compound 7 of Earle does not anticipate Claim 5, as amended. Applicants therefore respectfully request the Examiner's rejection under 35 U.S.C. § 102(b) be withdrawn.

Claim Rejections Under 35 U.S.C. § 103

The Examiner has rejected Claim 5 under 35 U.S.C. § 103(a) over JP 58-10559 citing the compound at page 481, column 1. Applicants have amended Claim 5 to recite a phosphate molecule. For this reason, the compound at page 481, column 1 of JP 58-10559 does not teach nor suggest the compounds of Claim 5, as amended.

The Examiner has also rejected Claim 5 under 35 U.S.C. § 103(a) over Saksena (US Patent No. 5,693,626) citing compound 52 at column 37. Applicants have amended Claim 5 to remove the recitation of a substituted R group. For this reason, Saksena does not teach or suggest the compounds of Claim 5, as amended.

Therefore, Applicants submit that Claim 5, as amended, is not rendered obvious by JP 58-10559 or Saksena and respectfully request that the rejections under 35 U.S.C. § 103(a) be withdrawn.

Based upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

SHERIDAN ROSS P.C.

By: Robert D. Traver
Robert D. Traver
Registration No. 47,999
1560 Broadway, Suite 1200
Denver, Colorado 80202-5141
(303) 863-9700

Date: 21 MAY 2003